

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT NORTH DAKOTA
SOUTHWESTERN DIVISION**

Thomas Alan Skalicky,)	
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Kolby Braun , Troy Schulz, and)	
Leann Bertsch,)	
)	Case No. 1:12-cv-061
Defendants.)	

Before the court is a Motion for Interrogatories filed by plaintiff on September 12, 2012. Plaintiff seeks leave to “petition the Defendants to answer and respond to interrogatories.” See Docket No. 29.

The court appreciates that plaintiff is eager to commence discovery. However, the court finds that plaintiff’s request is premature given the posture of this case. Defendants have yet to file a responsive pleading to plaintiffs.¹ Once they do, the court will likely direct the parties to submit proposed scheduling and discovery plans. Until this occurs, the court is not inclined to order discovery.

Accordingly, plaintiff’s Motion for Interrogatories (Docket No. 29) is **DENIED** without prejudice.

IT IS SO ORDERED.

Dated this 13th day of September, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court

¹The record reflect that waivers of service executed by defendants were filed on August 23, 2012. See Docket No. 28. Fed. R. Civ. P. 12(a)(1)(A)(ii) provides that defendants who have timely waived service sixty days from which the date on which requests for waivers of service were sent to file a responsive pleading or a Rule 12 motion.